

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RAIN CORPORATION and MAGICSPACE) 3:13-cv-00496-HDM-WGC
ENTERTAINMENT, INC.,)
Plaintiffs,) ORDER
vs.)
NIRENNA PRODUCTIONS, LP, 2468)
NEVADA, LLC, and JEFF PARRY,)
Defendants.)

)

The court is unable to determine whether it has subject matter jurisdiction over the plaintiffs' state law claims pursuant to the principles of diversity jurisdiction under 28 U.S.C. § 1332(a) because it appears that the plaintiffs have not identified in their complaint (#1) all of the partners, both general and limited, of defendant Nirenna Productions, a limited partnership.

A limited partnership is not a citizen in its own right for diversity purposes. *Carden v. Arkoma Associates*, 494 U.S. 185, 189-90 (1990). Instead, a limited partnership is considered a citizen in every jurisdiction in which its partners are citizens; the court must examine the citizenship of all partners, both

1 general partners and limited, to determine citizenship of a limited
2 partnership for diversity purposes. *Id.* at 195-96; see also
3 *Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899
4 (9th Cir. 2006). While the defendants did not raise this objection
5 in their motion to dismiss (#7), “[t]he objection that a federal
6 court lacks subject-matter jurisdiction, see Fed. Rules Civ. Proc.
7 12(b) (1), may be raised by a party, or by a court of its own
8 initiative, at any stage in the litigation, even after trial and
9 entry of judgment.” *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 506
10 (2006).

11 Accordingly, on or before February 14, 2014, the plaintiffs
12 shall file a declaration listing all of the partners, both general
13 and limited, of defendant Nirennna Productions, LP and specifying
14 the citizenship of each partner. Should the declaration disclose
15 that one or more of the general or limited partners of Nirennna
16 Productions, LP has Nevada citizenship, the court will dismiss this
17 action for lack of subject matter jurisdiction. However, should
18 the plaintiffs continue to assert subject matter jurisdiction in
19 their declaration, the defendants shall have until February 21,
20 2014 to file any response, and the plaintiffs shall then have until
21 February 26, 2014 to file any reply.

22 **IT IS SO ORDERED.**

23 DATED: This 27th day of January, 2014.

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26 UNITED STATES DISTRICT JUDGE
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